



KENTUCKY

# General News

October 2011

## Keeping Kentucky Kids Safe: AG Conway Hosts Fall Prescription Drug Abuse Programs



Visiting schools from Bowling Green to Louisville, Attorney General Conway and his Keep Kentucky Kids Safe partners alerted approximately 2,000 middle and high school students in October to the dangers of abusing prescription pills.

Joined by Van Ingram of Kentucky's Office of Drug Control Policy and concerned parents Dr. Karen Shay and Mike Donta, General Conway offered the following warning to students.

"One of two things will happen if you abuse prescription drugs. You'll end up in jail or dead."

Non-medical use or abuse of prescription drugs is the fastest-growing drug problem in the United States, according to the Office of National Drug Control Policy. In Kentucky, prescription drug overdoses have doubled over the past decade and now topping traffic accidents as the leading cause of accidental death.

General Conway and his partners met with students at B. Michael Caudill Middle School in Richmond, Warren County High School in Bowling Green, Montgomery County High in Mt. Sterling and Barret Traditional Middle School in Louisville. Sgt. John McGuire with the Metro Louisville Police Department's Prescription Drug Diversion Unit applauded General Conway's efforts and cautioned that he's seen a dramatic rise in prescription pill trafficking investigations.

"Louisville is no different than the rest of the state," said Sgt. McGuire. "Investigations into illicit prescription pills are up more than 300 percent since 2009. As a result, we're seeing an increase in drug-related crimes, medical and prescription drug fraud and accidental overdoses."

In addition to creating Kentucky's first and only statewide Drug Diversion Task Force, General Conway launched his Keep Kentucky Kids Safe public awareness campaign in 2010. Since then, he and his partners have alerted more than 7,000 students in 15 different school districts to the deadly consequences of prescription pill addiction.

## High School Students: Submit Your Stop Rx Abuse Videos!

Attorney General Conway's annual prescription drug abuse prevention video public service announcement (PSA) competition is now underway for Kentucky high school students.

As part of the competition, Kentucky high school students produce a 30-second video that shows the perils of prescription drug abuse. The first place winner will receive an Apple iPad generously donated by the National Association of Drug Diversion Investigators. The runner-up will receive a \$100 Amazon.com gift card donated by the Kentucky Pharmacists Association.

The deadline to submit videos is December 2, 2011. Winners will be announced on December 14. For more information and instructions on entering the contest, visit <http://ag.ky.gov/rxabuse>

Press release: <http://goo.gl/nmLcu>



Kentucky Attorney General  
Jack Conway



## New Initiatives Announced to Combat Prescription Abuse

Attorney General Conway joined Governor Steve Beshear and House Speaker Greg Stumbo on October 6 to announce a new multi-pronged effort to reduce the destructive impact of prescription drug abuse on Kentucky families. The effort will include legislative action to better track prescription drugs, licensing and regulation of pain clinics in Kentucky and expanded use of the state's prescription drug monitoring system, KASPER.

"One of the first meetings I had as Attorney General was with KASPER administrators to better understand the limitations of the system and how the tool could be better utilized to save the lives of Kentuckians who are dying every day of prescription drug overdoses," Attorney General Conway said. "Gov. Beshear and I have discussed this issue at length, and I appreciate him taking action to better utilize this powerful investigative tool."

Attorney General Conway's office is also participating in the newly created Interstate Prescription Drug Abuse Task Force to develop ways that states can work together to choke off the so-called "pill pipeline" of illegal prescription drugs coming into Kentucky from other states. Officials estimate that 60 percent of the illicit prescription pills in Kentucky come from Florida.

More information — <http://goo.gl/FGJB6>



## Attorney General's Office to Monitor Election for Voter Fraud

Attorney General Jack Conway, Secretary of State Elaine Walker and their staffs have been working closely in recent weeks to ensure that the November 8 general election is fair and free of voter fraud. Both agencies are part of the Kentucky Election Integrity Task Force to prevent and investigate allegations of vote fraud in Kentucky's elections.

"I am proud of the work my office has done to crack down on corruption and ensure that all voters have a chance to legally cast their vote on Election Day," said General Conway.



Investigators from the Attorney General's Office will be on the ground, in precincts across Kentucky, monitoring polling places and responding immediately to complaints.

Secretary Walker, the chief elections official of the Commonwealth and Chairman of the State Board of Elections, praised the cooperation between the agencies and also stressed the important role citizens play on Election Day.

"Every Kentucky poll worker is thoroughly trained by our county clerks and county boards prior to every election. Included in that training is how to spot and deal with any voting irregularity," Walker said.

The Office of the Attorney General has jurisdiction to investigate and prosecute violations of the Kentucky election laws and has put a significant dent in election fraud since General Conway took office in January of 2008.

"Each year we have fewer reports of suspected fraud. The reports we do have are followed up on immediately," General Conway said.

The Attorney General's office works with its state and federal law enforcement partners, as well as election officials, to review election complaints, and where necessary, investigate any that prove to be criminal in nature. General Conway's Election Fraud Hotline received six calls from six counties during the 2011 primary election. During the November of 2007 general election, when the same offices were on the ballot, the hotline received 38 calls from 14 counties.

### Help Fight Voter Fraud!

Call the Attorney General's Election Fraud Hotline 1-800-328-VOTE (8683) if you witness voting irregularities or suspicious activity at the polls. The hotline is available throughout the year during normal business hours. On November 8, 2011, calls will be received from 6 a.m. EST to 7 p.m. EST.



## **Former Pain Clinic Doctor Indicted Following Attorney General's Investigation**

A Lawrence County doctor, and former owner of two Eastern Kentucky pain clinics, faces indictment on 20 counts of Medicaid fraud. A Lawrence County grand jury indicted Lee Adam Balaklaw on October 14, 2011 following an investigation by the Attorney General's Office of Medicaid Fraud and Abuse Control into the billing practices at Anesthesia Associates of Louisa, P.S.C. The charges are all Class D felonies. Prosecutors from General Conway's Medicaid Fraud office are handling prosecution of the case.

A charge is an allegation only. All defendants are innocent until proven guilty.

Since Attorney General Conway took office in January 2008, his Office of Medicaid Fraud and Abuse Control has recovered or been awarded more than \$210 million for the state and federal Medicaid programs. These cases range from lawsuits and settlements against pharmaceutical companies to cases against individual providers.

## **Attorney General, Warren County Officials Launch Domestic Violence Fatality Review Team**

Attorney General Jack Conway and his Office of Victim's Advocacy have announced the creation of the Warren County Domestic Violence Fatality Review Team. The team will consist of several local law enforcement officials and advocates who will meet periodically to evaluate a pre-selected domestic violence fatality that occurred in Warren County.

"This team will work to enhance our agencies' abilities to investigate, prosecute, and prevent domestic violence deaths in our community," said Warren County Commonwealth's Attorney Chris Cohron. "We appreciate Attorney General Conway's efforts to assist us in creating this team."

The creation of this team is the joint effort of Attorney General Conway's Office of Victim's Advocacy and several Warren County officials working with the Warren County Domestic Violence Coordinating Council. The team will analyze information regarding local fatalities to identify trends, patterns, and risk factors and evaluate the effectiveness of local prevention and intervention strategies. The team will also make recommendations for changes in laws, regulations, policies, budgets, and treatment standards.

In August, Attorney General Conway held a Domestic Violence Fatality Review Summit to gather ideas and information about expanding Domestic Violence Fatality Review (DVFR) teams.



*Warren County Commonwealth's  
Attorney Chris Cohron with Attorney  
General Conway*

## **Former Administrator of Embattled Golden Years Rest Home Pleads Guilty**



Attorney General Conway and his Office of Special Prosecutions have announced the guilty plea of the former administrator of Golden Years Rest Home to charges of theft, exploitation of a vulnerable adult and income tax fraud. Sixty-nine year old James F. Tackett of Jenkins entered the guilty plea in Letcher Circuit Court, where he was scheduled to stand trial.

As part of his guilty plea, Tackett admitted he stole more than \$300,000 in funds that were to be used for the care of the residents at Golden Years, a non-profit (501C-3) personal care home in Jenkins.

He also acknowledged that some of the stolen money had been used to buy personal vehicles for himself, including a GMC Hummer, a Chevrolet Silverado, a Ford F-150, and a Suzuki XL-7. Tackett admitted that he failed to report any of the stolen income on his state income tax returns for a five-year period.

"While Mr. Tackett was living a lavish lifestyle, the residents at Golden Years were suffering and his personal care home was falling into disrepair and financial ruin," General Conway said. "I appreciate the hard work of my investigators and prosecutors who worked tirelessly to protect the health and safety of Golden Year's residents and see that justice was served in this tragic case."

The Attorney General's Department of Criminal Investigations launched an investigation at Golden Years following a 2009 complaint that several residents had not received their \$250 stimulus checks sent by the government as part of the American Economic Recovery Act.

Tackett also pled guilty last month in U.S. District Court in Pikeville to charges that he committed theft of federal Social Security funds received on behalf of the personal care home residents.

Golden Years is now closed and its residents have all been moved to alternate facilities.

More information — <http://goo.gl/7rm4J>

## Former Lexington Group Home Owner Indicted on Medicaid Fraud, Forgery Charges

A former provider in the Kentucky Medicaid Supports for Community Living (SCL) program entered a not guilty plea on October 14, 2011 to Medicaid fraud and second degree forgery charges. Irvin Smith, Jr., the former owner, principal member and executive director of Irvco LLC is accused of falsifying documentation related to tuberculosis testing and First Aid and CPR training in order to remain a SCL provider.

Kentucky regulation requires that SCL employees receive CPR and First Aid training, and that SCL providers maintain documentation of each staff person's annual tuberculosis risk assessment.

The charges against Smith are Class D felonies that carry a potential penalty range of one to five years in prison and a fine of \$1,000 to \$10,000. Irvco, LLC faces a potential fine of up to \$20,000.

A SCL is a home through the Medicaid Community-based waiver program that serves as an alternative to institutional care for mentally challenged or developmentally disabled individuals. Irvco, LLC was also indicted on Medicaid fraud charges.

A charge is merely an accusation. A defendant is presumed innocent until and unless proven guilty.

## Bullitt Circuit Court Jury Recommends Death for Convicted Serial Killer Michael St. Clair

After three hours of deliberation, a Bullitt Circuit Court jury issued a unanimous verdict of death for serial killer Michael St. Clair in the 1991 execution-style slaying of Frank Brady of Nelson County. The jury was empanelled to decide St. Clair's sentence following a reversal by the Kentucky Supreme Court for what was deemed to be an error in jury instructions in St. Clair's 2005 murder trial.



"I appreciate the hard work of my prosecutors and the careful consideration of the evidence by the jury," General Conway said. "My office remains committed to seeking justice for Kentucky's crime victims. I hope this verdict will bring closure to the Brady family."

Sentencing before Special Judge Geoffrey Morris is scheduled for November 16, 2011.

St. Clair is also set to stand trial in Hardin County in January 2012 on capital kidnapping and other charges.

## State DUI Instructor Accused of Falsifying Program Completion Forms

A Franklin County grand jury has indicted state DUI instructor Timothy Monhollen on three counts of tampering with public records for allegedly falsifying entries in DUI Program Completion Forms. The 39-year-old Monhollen of Lexington is a certified DUI assessor and DUI instructor in Boyle, Fayette, Jessamine, Lincoln and Mercer counties.

The charges are Class D felonies and follow an investigation by Attorney General Conway's Department of Criminal Investigations. The case was referred to the Attorney General's Office by the Cabinet for Health and Family Services in August of 2010. As per a criminal summons, Monhollen is scheduled to appear in Franklin Circuit Court on December 2, 2011 at 9 a.m.

## Nationwide PSA Campaign Urges Teens to Stop Texting and Driving

Attorney General Conway is joining with his fellow attorneys general, consumer protection agencies, the National Highway Traffic Safety Administration (NHTSA) and the Ad Council to launch a new nationwide public service announcement (PSA) campaign to stop teens from texting and driving.

Eighty-two percent of young-adults (16-24) have read a standard text message while driving, according to a national survey conducted by the Ad Council. General Conway urges teens to put safety first.

"There is no text message, no tweet, or Facebook status updates that is worth risking your life or someone else's life."

NHTSA reports that distracted driving is the number one killer of American teens. Sixteen percent of all drivers younger than 20 involved in fatal crashes were reported to have been distracted while driving. The Virginia Tech Transportation Institute (VTTI) reports that a texting driver is 23 times more likely to get into a crash than a non-texting driver.



More information — <http://goo.gl/964NI>

## Attorney General's Office Brings eWarrants to Six More Kentucky Counties

Residents in Clay, Jackson, Leslie, Franklin, Harlan and Letcher counties are now benefiting from an electronic warrant management system. The Attorney General's office funded implementation of eWarrants in the 41st, 48th and 26th judicial circuits in October under a \$3.9 million American Recovery and Reinvestment Act (ARRA) grant awarded to the Office of the Attorney General in 2009.

"I appreciate the support we received from local officials and law enforcement as we implemented eWarrants in rural counties across the Commonwealth," General Conway said.



The Office of the Attorney General, in partnership with the Administrative Office of the Courts (AOC), the Kentucky State Police, the Kentucky Office of Homeland Security and Open Portal Solutions, Inc., provided training and support for the new electronic warrant management system.

The eWarrant system facilitates the sharing of information among all law enforcement concerning active warrants in jurisdictions throughout the Commonwealth. It replaces the manual protocols for processing warrant information with an electronic method for making warrants available via the Law Enforcement Information Network of Kentucky (LINK), the system administered by Kentucky State Police and used by law enforcement to transmit and retrieve information on active warrants.

Service rates for warrants rise from as low as 10 percent under the old system to roughly 50 percent immediately after implementation of eWarrants, and as high as 80 percent in the long-term.

The ARRA grant was awarded from the U.S. Department of Justice, Bureau of Justice Assistance under the category of Facilitating Rural Justice Information Sharing. Under this category, the Bureau of Justice Assistance makes awards to help law enforcement in rural areas to improve the criminal justice system by aiding communities in combating crime and drugs.

## Additional photos from Prescription Drug Abuse Prevention events



*Bell County High School*



*Barret Traditional Middle School, Louisville*



*Caudill Middle School, Madison County*



*Montgomery County High School*